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Notice of Allowability

Application No.

10/605,785

Examiner

Ryan Hsu

Applicant(s)

LEE ET AL.

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/22/07.
2. ☒ The allowed claim(s) is/are 17-20 and 25-30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

In response to the appeal brief filed 2/22/2007, arguments have been presented regarding claims 17-20 and 25-30 that have been deemed persuasive.

Terminal Disclaimer

The terminal disclaimer filed on 2/22/2007 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of US Patent No. 6,638,175 has been reviewed and is accepted. The terminal disclaimer has been recorded.

REASONS FOR ALLOWANCE

Claims 17-20 and 25-30 are allowed.

The following is an examiner's statement of reasons for allowance:

The instant invention is deemed to be an unobvious improvement over the cited prior art. The improvement for a diagnostic golf club system comprising a club head a shaft attached to the club head and a plurality of strain gauges attached to the shaft of the club incorporates the use of an internal memory device that includes a non-volatile flash buffer memory capable of receiving and storing data from the strain gauges. Additionally, the system includes a computer located separate and spaced apart from the diagnostic golf club for processing the data stored in the internal memory device and an interface mechanical that is removably coupled to the diagnostic golf club for providing communication between the diagnostic golf club and the computer. The instant invention also utilizes the internal memory device to store data for multiple swings of the diagnostic golf club until the data is uploaded to the computer via the interface mechanism and the computer uses the data from the internal memory device to calculate six independent forces

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and moments, the six independent forces and moments including axial force, transverse shear forces, bending moments, and torsion.

In particular, the closest prior art of record lacks in disclosing, teaching, or fairly suggesting “an internal memory device...capable of storing data for multiple swings of the diagnostic golf club until the data is uploaded to the computer via the interface mechanism” and “using the data related to the diagnostic golf club during a golf swing to calculate six independent forces and moments, the six independent forces and moments including axial force, transverse shear forces, bending moments, and torsion”. Additionally, the prior art of record lacks in disclosing, teaching, or fairly suggesting an internal memory device, which is specifically claimed as a non-volatile flash buffer memory, that enables the diagnostic golf club to store data from multiple swings of the club obtained from the strain gauges and then removed from the golf club to a computer located separate and spaced apart from the golf club. Even with the combination of Allen with Evans only incorporates the use of radio or wire means to immediately transmit the data from the athletic apparatus to a playback console (*ie: computer or remote recording device*). Therefore the improvement over the prior art of record is incorporating a removably coupled internal memory device in the form of a non-volatile flash memory that allows for data from multiple swings to be stored and then processed at a later time at a remote computer whenever it is convenient for the user.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

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Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be direct to Ryan Hsu whose telephone number is (571)-272-7148. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E Pezzuto can be reached at (571)-272-6996.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 1-866-217-9197 (toll-free).



RH

May 16, 2007

/Scott Jones/

Primary Examiner, Art Unit 3714